

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IRVIN HARPER,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
A.D.A. KELLY HARRELL, et al.	:	NO. 17-5603
Defendants.	:	

ORDER

AND NOW, this 21st day of December, 2017, upon consideration of plaintiff's motion for leave to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff, Irvin Harper, #913073, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, he is not assessed an initial partial filing fee. In each month when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official at the Curran-Fromhold Correctional Facility shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 17-5603.
3. The complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) & (ii) for the reasons stated in the Court's Memorandum.
4. Plaintiff is given leave to file an amended complaint within thirty (30) days of the date of this order. If he chooses to file an amended complaint, plaintiff shall list all defendants in the caption of the amended complaint as well as in the body of the amended complaint, and shall

specify how each defendant was responsible for violating his rights. **Any amended complaint shall not raise claims that are barred by principles of immunity or claims duplicating those that are already pending in *Harper v. The District Attorney's Office*, E.D. Pa. Civ. A. No. 17-2812.** Upon the filing of an amendment the Clerk shall not make service until so ORDERED.

5. If plaintiff fails to file an amended complaint, this case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ *Lawrence F. Stengel*
LAWRENCE F. STENGEL, Ch. J.